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The Resource Page: Focus on Self-Represented Litigants



TRAINING MATERIALS

Court-Staff Training Materials

<http://goo.gl/xN6MNH>

The Maryland Access to Justice Commission has excellent resources for court staff to use in learning how they can—and cannot—help self-represented litigants. There's a bench card and poster listing the things staff can do (such as explaining how the court works) and things it cannot do (like letting someone talk to the judge outside of court or telling someone what to say in court). Answers to questions about what staff may do often are not self-explanatory to court staff, and the Maryland Commission has offered a handy checklist.

There's also an 18-minute training video for court staff on how to respond to inquiries from litigants. Additional materials for self-assessment and for peer training accompany the video. These materials could easily be adapted for use in other states.

Judicial Training Materials

Access Brief: <http://goo.gl/nmWt6E>

Curriculum: <http://goo.gl/7VHLuk>

The Center on Court Access to Justice for All has two recent additions targeted to judges. First, a March 2014 "Access Brief" explains the trend toward greater judicial engagement. The paper, written by Richard Zorza and National Center for State Courts researcher Pamela Casey, discusses an approach called "engaged neutrality" in which judges provide greater guidance to self-represented litigants while maintaining neutrality. The Access Brief also provides an overview of a detailed set of training materials for judges.

That training curriculum is available in full on the website. It includes PowerPoint presentations and background

materials on various questions about dealing with self-represented litigants, including techniques to use and answers to judicial-ethics questions.



GENERAL RESOURCES

Center on Court Access to Justice for All

<http://www.ncsc.org/atj>

The National Center for State Courts has established a web-based Center on Court Access to Justice for All, which seeks to assist judges and courts in providing better access to justice. The Center works with a number of national organizations, including the American Judges Association, to implement realistic access-to-justice solutions.



One key feature of the Center is a series of "Access Briefs," short papers on key topics for access to justice. The first paper, issued in November 2012, was on self-help services (<http://goo.gl/FvGvI>). It's an 11-page paper setting out various options for providing help to the self-represented litigant, with examples of courts that have set up useful websites, courthouse desks or offices, telephone-based programs, in-person clinics, and courtroom assistance.

The Center offers three webinars: (1) Self-Represented Litigation Curriculum, covering a wide variety of materials

available for judicial training; (2) Procedural Fairness and Self-Represented Litigants; and (3) Forms Development. The procedural-fairness webinar, presented by Minnesota state trial judge Kevin Burke, is available on the website without registration. The other two require registration, available by contacting the Center.

The Center also offers technical assistance to state and local courts seeking help in providing better access to justice. Click the "Assistance" tab on the Center's home page and you'll find more information and a link to the "technical assistance request form."

Self-Representation Resource Guide, National Center for State Courts

<http://goo.gl/UQ9t0b>

The National Center for State Courts also has an excellent online resource guide that provides links to articles, web-based resources, and organizations dealing with how to improve services to self-represented litigants.

One of the articles included on the website, by Richard Zorza, looks at the implications of the United States Supreme Court's 2011 decision in *Turner v. Rogers*, 131 S. Ct. 2507 (2011). In *Turner*, the Court held that a child-support obligor's due-process rights were violated when he was jailed for nonpayment without either an appointed attorney or the benefit of "substitute procedural safeguards." The Court listed safeguards such as a notice to the obligor that his ability to pay would be a critical issue, the use of a form to elicit relevant financial information, the opportunity for him to respond to questions about his finances, and an express court finding that he had the ability to pay. Zorza argues that the Court's conclusion that due process could be met by using such procedural safeguards with self-represented parties should be a signal to courts to improve their services to the self-represented.